

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

TYREE FORD,

Plaintiff,

v.

Case No: 2:21-cv-213-SPC-NPM

BRENT CLARK and FLUENT
CANNABIS DISPENSARY,

Defendants.

ORDER¹

Before the Court is United States Magistrate Judge Nicholas P. Mizell's Report and Recommendation ("R&R"). ([Doc. 10](#)). After conducting a [28 U.S.C. § 1915](#) review, Judge Mizell explained the defects in Plaintiff's original pleading, dismissed without prejudice, and allowed amendment. ([Doc. 3](#)). Because the operative Complaint ([Doc. 8](#)) suffers from the same deficiencies, Judge Mizell recommends denying Plaintiff's Motions to proceed *in forma pauperis* ([Docs. 2; 5; 9](#)) and dismissing this action. Neither party timely objected, so the matter is ripe.

¹ Disclaimer: Documents hyperlinked to CM/ECF are subject to PACER fees. By using hyperlinks, the Court does not endorse, recommend, approve, or guarantee any third parties or the services or products they provide, nor does it have any agreements with them. The Court is also not responsible for a hyperlink's availability and functionality, and a failed hyperlink does not affect this Order.

A district judge “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1); *see also Williams v. Wainwright*, 681 F.2d 732, 732 (11th Cir. 1982). Without a specific objection, the judge need not review factual findings *de novo*. 28 U.S.C. § 636(b)(1); *see also Garvey v. Vaughn*, 993 F.2d 776, 779 n.9 (11th Cir. 1993). But the district court reviews legal conclusions *de novo*, even without an objection. *Cooper-Houston v. S. Ry.*, 37 F.3d 603, 604 (11th Cir. 1994).

After a careful, complete, and independent examination of the file, the Court accepts and adopts Judge Mizell’s well-reasoned R&R in full.

Accordingly, it is now **ORDERED**:

1. The Report and Recommendation (Doc. 10) is **ACCEPTED and ADOPTED** and the findings incorporated herein.
2. The Motions to proceed *in forma pauperis* (Docs. 2; 5; 9) are **DENIED**.
3. This action is **DISMISSED**.
4. The Clerk is **DIRECTED** to enter judgment, terminate any pending motions or deadlines, and close the case.

DONE and **ORDERED** in Fort Myers, Florida on August 2, 2021.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record